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Organic Laws of Oregon. (with amendments.)

The Legislative Committee recommend that the following Laws be adopted:

Article 1st *

Preamble,

We the People of Oregon Territory, for purposes of mutual protection and to secure Peace and Prosperity among ourselves, agree to adopt the following Laws and regulations until such time as the United States of America extend their Jurisdiction over us.

It is enacted therefore by the Free Citizens of Oregon Territory, that the said Territory for purposes of temporary Government be divided into not less than three nor more than five Districts, subject to be extended to a greater number when an increase of population shall require

And for the purpose of fixing the principles of local and religious Liberty as the basis of all Laws and Constitutions of Government that may hereafter be adopted, It is enacted that the following Articles be considered articles of compact among the free citizens of this Territory

Section 1st.

No person demeaning himself in a peaceable and orderly manner, shall ever be molested upon account of his mode of Worship or religious sentiments.

Section 2nd

The inhabitants of said Territory shall always be entitled to the benefits of the writ of Habeas Corpus and Trial by Jury, of a proportionate representation of the People in the legislative, and of Judicial

proceedings, according to the course of common Law: all persons shall be bailable unless for capital offences, where the proof shall be evident or the presumption great. All fines shall be moderate and no cruel or unusual punishments inflicted no man shall be deprived of his liberty but by the judgment of his peers, or the Law of the Land, and should the public exigencies make it necessary for the common preservation to take any persons property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of Rights and Property, it is understood and declared that no Law ought ever to be made or have force in said Territory, that shall in any manner whatever interfere with or affect private contracts or engagements "bona fide" and without fraud previously formed.

Section 3^d

Religion, Morality, and Knowledge being necessary to good Government, and the happiness of Mankind, Schools and the means of Education shall for ever be encouraged. The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent, and in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful ways authorized by the representatives of the People: but Laws founded in Justice and Humanity, shall from time to time be made for preventing injustice being done to them, and for preserving Peace and Friendship with them. —

Section 4th

There shall be neither Slavery nor involuntary servitude in said Territory otherwise than for the punishment of crimes whereof the party shall have been duly convicted.

Section 5th

No person shall be deprived of the right of bearing arms in his own defence. no unreasonable searches or seizures shall be granted. the freedom of the press, shall not be restrained no person shall be twice tried for the same offence: nor the People deprived of the right of peaceably assembling and discussing any matter they may think proper nor shall the right of petition ever be denied.

Section 6th.

The powers of the Government shall be divided into three distinct departments: The Legislative, Executive and Judicial: and no person or persons belonging to one of these departments, shall exercise any of the powers properly belonging, to either of the others, except in cases herein directed or permitted.

Article 2nd —

Section 1st.

The Legislative power shall be vested in a House of Representatives, which shall consist of not less than Thirteen nor more than Sixty one Members, whose numbers shall not be increased more than five, at any one session to be elected by the qualified electors at the annual Election, giving to each District, a representation in the ratio of its population, (excluding Indians) and the said Members shall reside in the District for which they shall be chosen. and in case of vacancy by Death, resignation, or otherwise, the Executive shall issue his writ to the District where such vacancy has occurred, and cause a new election to be held, giving sufficient notice at least ten days previously, of the time and place of holding said election.

Section 2nd

The House of Representatives when assembled shall choose a Speaker and its other officers, be judges of the qualifications and election of its members, and sit upon its own adjournment from day to day: Two thirds of the House shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may be authorized by Law, to compel the attendance of absent members.

Section 3rd

The House may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member, but not a second time for the same offence; and shall have all powers necessary for a Legislature of a Temporary Government, not in contravention with the restrictions imposed in this Organic Law.

Section 4th

The House of Representatives shall from time to time fix the salaries of the different officers appointed or elected under this compact, provided the pay of no officer shall be altered during the term of his service, nor shall the pay of the House be increased by any Law taking effect during the session at which such alteration is made.

Section 5th

The House of Representatives shall have the sole power of impeaching, Three fourths of all the Members must concur in an impeachment: The Governor and all Civil officers under these articles of compact, shall be liable to impeachment for Treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than

removal from office, and disqualification to hold any office of honor, trust, or profit under this compact, and the party convicted, may be dealt with according to Law.

Section 6th

The House of Representatives shall have power to lay out the Territory into suitable Districts, and apportion the representation in their own body. They shall have power to pass Laws for raising a revenue either by the levying, and collecting of taxes or the imposing licenses on merchandize, ferries or other objects: to open roads and canals, either by the levying a road tax or the chartering of companies: to regulate the intercourse of the People with the Indian tribes: to establish post offices and post roads: to declare War, suppress insurrection or repel invasion: to provide for the organizing, arming and disciplining the Militia, and for calling forth the Militia to execute the Laws of Oregon: to pass Laws to regulate the introduction, manufacture or sale of Ardent Spirits: to regulate the currency and internal police of the Country: to create inferior tribunals and inferior officers, necessary and not provided for, by these articles of Compact: and generally to pass such Laws, to promote the general welfare of the People of Oregon, not contrary to the spirit of this instrument: and all powers not hereby expressly delegated, remain with the people.

The House of Representatives shall convene annually on the first Tuesday in December, at such place as may be provided by Law, and ^{shall} upon their first meeting after the adoption of this instrument of compact, proceed to elect and define the duties

of a Secretary, Recorder, Treasurer, Auditor, Marshal, or other officers necessary to carry into effect the provisions of this compact.

Section 7th

The Executive power shall be vested in one Person, elected by the qualified voters at the annual Election, who shall have power to fill vacancies, to remit fines and forfeitures, to grant pardons and reprieves, for offences against the Laws of the Territory; to call out the Military force of the Territory to repel invasion or suppress insurrection, to take care that the Laws are faithfully executed, and to recommend such Laws as he may consider necessary to the representations of the People for their action. Every bill which shall have been passed by the House of Representatives, shall before it becomes a Law, be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it with his objections to the House, and the House shall cause the objections to be entered at large on its journals, and shall proceed to reconsider the bill; if after such reconsideration, a majority of two thirds of the House shall agree to pass the same, it shall become a Law: in such case the vote shall be taken by Ayes and Nays, and be entered upon the journals. - If any bill shall not be returned by the Governor, to the House of Representatives, within three days (Sunday excepted) after it shall have been presented to him, the same shall become a Law in like manner as if the Governor had signed it; unless the House of Representatives by its adjournment shall prevent its return; in which case it shall not become a Law. The Governor shall continue in office two years, and until his successor is duly elected and qualified, and in case of the office becoming vacant by Death, resignation,

or otherwise, the Secretary shall exercise the duties of the office, until the vacancy shall be filled by election.

The Governor shall receive the sum of _____ dollars, per annum, as full compensation for his services, which sum may be increased or diminished at any time, by Law, provided the salary of no Governor shall be altered, during his term of service.

The Governor shall have power to convene the Legislature on extraordinary occasions.

Section 8th.

The Judicial power shall be vested in a Supreme Court and such inferior courts of Law, Equity, and Probation as may by Law from time to time be established. The Supreme Court shall consist of one Judge, who shall be elected by the House of Representatives and hold his office for four years and until his successor is duly elected and qualified.

The Supreme Court except in cases otherwise directed by this compact, shall have Appellate Jurisdiction only, which shall be co-extensive with this Territory, and shall hold two sessions annually beginning on the first Mondays in June and September, and at such places as by Law directed.

The Supreme Court shall have a general superintending control over all inferior courts of Law. It shall have power to issue writs of Habeas Corpus, Mandamus, Quo Warranto, Certiorari, and other original remedial writs and hear and determine the same.

The Supreme Court shall have power to decide upon and annul any Laws, contrary to the provisions of these articles of compact, and whenever called upon by the House of Representatives; the Supreme Judge shall give his opinion touching the validity of any pending measure.

The House of Representatives may hereafter provide by Law, for the Supreme Court having original jurisdiction in criminal cases.

Section 9th. _____

All officers under this compact shall take an Oath, as follows:—to wit,

I do solemnly swear, that I will support the Organic Laws of the provisional Government of Oregon, so far as said Organic Laws are consistent with my duties as a citizen of the United States, or a Subject of Great Britain, and faithfully demean myself in office, So help me God.

Section 10th. _____

Every free male descendant of a white man, inhabitant of this Territory of the age of twenty one years and upwards, who shall have been an inhabitant of this Territory at the time of its organization shall be entitled to vote at the election of Officers, Civil and Military, and be eligible to any office in the Territory provided that all persons of the description entitled to vote by the provisions of this section, who shall emigrate to this Territory after organization, shall be entitled to the rights of citizens after having resided six months in the Territory.

Section 11th. _____

The Election for all civil officers provided for by this compact, shall be held the first Monday in June annually.

Article 3rd Land Law.

Section 1st.

Any person now holding or hereafter wishing to establish a claim to land in this Territory, shall designate the extent of his claim by natural boundaries or by marks at the corners and upon the lines of such claim, and have the extent and boundaries of said claim recorded in the office of the Territorial Recorder, in a book to be kept by him for that purpose, within twenty days from the time of marking said claim. Provided, that those who shall be already in possession of land, shall be allowed twelve months from the passage of this act to file a description of his claim in the Recorders office. And provided further that the said claimant shall state in his record, the size, shape, and locality of such claim, and give the names of the adjoining claimants, and the Recorder may require the applicant for such record to be made to answer, on his oath, touching the facts.

Section 2nd.

All claimants shall within six months from the time of recording their claims, make permanent improvements upon the same, by building or enclosing, and also become an occupant upon said claim, within one year from the date of such record, or in case not occupied, the person holding said claim, shall pay into the Treasury, the sum of five dollars annually, and in case of failure to occupy, or on failure of payment of the sum above stated, the claim shall be considered as abandoned. Provided that no non-resident of this Territory, shall have the benefit of this Law: And provided further that any resident of this Territory, absent on his private business for two years may hold his claim by paying five dollars annually to the Treasury.

Section 3rd

No individual shall be allowed to hold a claim of more than one square mile, or six hundred and forty acres, in a square or oblong form, according to the natural situation of the premises. Nor shall any individual be allowed to hold more than one claim at the same time. Any person complying with the provisions of these ordinances, shall be entitled to the same recourse against trespass as in other cases by Law provided.

Section 4th

Partnerships of two or more persons shall be allowed to take up a tract of land not exceeding six hundred and forty acres to each person in said partnership, subject to all the provisions of this Law. And whenever such partnership is dissolved the members shall ^{each} accord the particular parts of said tract, as may be allotted to him, provided that no member of said partnership shall hold a separate claim at any time of the existence of said partnership.

Section 5th

The boundary lines of all claims shall hereafter conform as near as may be, to the Cardinal Points.

Section 6th

The officers elected at the general Election held on the first Tuesday in June 1843, shall be the officers to act under this Organic Law, and their official acts, so far as they are in accordance with this compact, are hereby declared valid and legal.

Section 7th

Amendments to this instrument may be proposed by the House of Representatives, two-thirds of the members concurring therein, which amendments shall

be made public in all parts of Oregon, and be read at the polls at the next succeeding general Election, and a concurrence of two-thirds of all the members elected at said Election, may pass said amendments, and they shall become a part of this compact:

(A true copy of the original -

(Dated at Oregon City,

this 10th day of July

1845

Attest

J. C. Long.

Secretary

W. W. Rufener
Speaker